

House Bill 480 (AS PASSED HOUSE AND SENATE)

By: Representatives Marin of the 96<sup>th</sup>, Floyd of the 99<sup>th</sup>, and Rice of the 51<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend an Act creating a new charter for the City of Norcross, Georgia, approved March 28, 1990 (Ga. L. 1990, p. 4934), as amended, particularly by an Act approved April 4, 1991 (Ga. L. 1991, p. 3680), an Act approved March 25, 1996 (Ga. L. 1996, p. 3666), and an Act approved March 24, 1997 (Ga. L. 1997, p. 3517), so as to change the form of government from a mayor-council form of government to a city manager-council form of government; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

An Act creating a new charter for the City of Norcross, Georgia, approved March 28, 1990 (Ga. L. 1990, p. 4934), as amended, particularly by an Act approved April 4, 1991 (Ga. L. 1991, p. 3680), an Act approved March 25, 1996 (Ga. L. 1996, p. 3666), and an Act approved March 24, 1997 (Ga. L. 1997, p. 3517), is amended by striking Section 2.28 in its entirety and inserting in lieu thereof a new Section 2.28 to read as follows:

"SECTION 2.28.

The mayor: powers and duties.

The mayor shall be the chief elected officer of the city and as such shall have the following powers and duties:

- (1) To preside at all meetings of the city council and be recognized as the official head and spokesperson of the city for service of process and ceremonial purposes;
- (2) To vote on matters before the city council only in case of a tie;
- (3) To sign timely, for and on behalf of the city, all contracts, ordinances, instruments, and other documents authorized by the city council and which are required to be in writing, unless otherwise directed or authorized by the city council;
- (4) To administer oaths and to take affidavits; and

(5) To fulfill such other duties as authorized by the city council."

## SECTION 2.

Said Act is further amended by adding new Sections 2.30 through 2.35 to read as follows:

### "SECTION 2.30.

The city manager: general powers.

The city council shall appoint a city manager for an indefinite term and shall set his or her compensation in an employment contract. The city manager shall be appointed solely on the basis of that person's executive and administrative qualifications, including relevant experience.

### SECTION 2.31.

Powers and duties of the city manager.

The city manager shall be the chief executive and administrative officer of the city. The city manager shall be responsible to the city council for the administration of all city affairs placed in his or her charge by or under this charter. The city manager shall have the following powers and duties:

(1) To appoint and, when he or she deems it necessary for the good of the city, suspend or remove all city employees and administrative officers he or she appoints, except as otherwise provided by law or personnel ordinances adopted pursuant to this charter. The city manager may authorize any administrative officer who is subject to the city manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency;

(2) To direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by this charter or by law;

(3) To attend all city council meetings and have the right to take part in discussion, but the city manager may not vote;

(4) To see that all laws, provisions of this charter, and acts of the city council, subject to enforcement by the city manager or by officers subject to the city manager's direction and supervision, are faithfully executed;

(5) To prepare and submit the annual operating budget and capital budget to the city council. Once approved for the following fiscal year, any increase in the appropriations for these budgets, whether accomplished through a change in anticipated revenues or

1 through a transfer of appropriations among departments, shall require the approval of the  
2 city council. Such amendment shall be adopted by ordinance or resolution;

3 (6) To submit to the city council a quarterly summary of the finances and administrative  
4 activities of the city, and to make available to the council and public a complete report  
5 on the finances and administrative activities of the city as of the end of each fiscal year;

6 (7) To prescribe, require, publish, and implement standards of administrative  
7 management and operating procedures to be followed and adhered to by all offices,  
8 departments, boards, commissions, authorities, and other agencies of the city which are  
9 subject to the city manager's supervision;

10 (8) To act as the purchasing agent of the city;

11 (9) To make such other studies, reports, and investigations as the city council may  
12 require concerning the operations of city departments, offices, and agencies subject to the  
13 city manager's direction and supervision;

14 (10) To keep the city council fully advised as to the future needs of the city, and make  
15 such recommendations to the city council concerning the affairs of the city as he or she  
16 deems desirable; and

17 (11) To perform other such duties as are specified in this charter or as may be required  
18 by the city council.

19 SECTION 2.32.

20 Budget authority and special funds.

21 The city manager shall have full authority to execute the city's annual operating budget and  
22 capital budget. Establishment of all special funds and authorization of expenditures from  
23 the special funds shall require approval of the city council. The city council shall also  
24 approve any operating or capital budget amendments requiring use of funds from the  
25 contingency special fund.

26 SECTION 2.33.

27 Council's noninterference with administration.

28 Except for the purpose of inquiries and investigations, the mayor and city council members  
29 shall not give orders or directions to any city employees who are subject to the direction  
30 and supervision of the city manager, either publicly or privately, directly or indirectly.

**SECTION 2.34.****Removal of city manager.**

The city council may remove the city manager from office in accordance with the following procedures:

(1) The city council shall adopt by affirmative vote of two-thirds of its members a preliminary resolution which must state the reasons for removal and may suspend the city manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the city manager;

(2) Within five days after a copy of the resolution is delivered to the city manager, he or she may file with the city council a written request for a public hearing. This hearing shall be held within 30 days after the request is filed. The city manager may file with the city council a written reply not later than five days before the hearing; and

(3) If the city manager has not requested a public hearing within the time specified in paragraph (2) of this section, the city council may adopt a final resolution for removal, which may be made effective immediately, by an affirmative vote of a majority of all its members. If the city manager has requested a public hearing, the city council may adopt a final resolution for removal, which may be made effective immediately, by an affirmative vote of a majority of all its members at any time after the public hearing.

The city manager shall continue to receive his or her salary until the effective date of a final resolution of removal.

**SECTION 2.35.****Acting city manager.**

By letter filed with the city clerk, the city manager shall designate a qualified city administrative officer to exercise the powers and perform the duties of city manager during his or her temporary absence or disability. During such absence or disability, the city council may revoke such designation at any time and appoint another officer of the city to serve until the city manager shall return or his or her disability shall cease."

**SECTION 3.**

Said Act is further amended by striking Sections 3.12 and 3.13 in their entirety and inserting in lieu thereof new Sections 3.12 and 3.13 to read as follows:

1 "SECTION 3.12.

2 The city clerk.

3 The city manager shall appoint a city clerk who shall not be a council member. The city  
4 clerk shall be custodian of the official city seal, maintain city council records required by  
5 this charter, and perform such other duties as may be required by the mayor and city  
6 council.

7 SECTION 3.13.

8 The treasurer.

9 The city manager shall appoint a city treasurer to collect all taxes, licenses, fees, and other  
10 moneys belonging to the city subject to the provisions of this charter and the ordinances  
11 of the city, and to enforce all laws of Georgia relating to the collection of delinquent taxes  
12 and sale or foreclosure for nonpayment of taxes to the city. The city treasurer shall also be  
13 responsible for the general duties of a treasurer and fiscal officer. The city clerk and city  
14 treasurer shall not be the same person."

15 **SECTION 4.**

16 Said Act is further amended by striking Sections 3.16 through 3.18 in their entirety and  
17 inserting in lieu thereof new Sections 3.16 through 3.18 to read as follows:

18 "SECTION 3.16.

19 The city auditor.

20 The city manager shall contract with confirmation of the city council an outside firm to  
21 perform the duties of a city auditor.

22 SECTION 3.17.

23 Human resources.

24 (a) *Human resources manager.* The city manager shall appoint a human resources  
25 manager who shall be responsible for policies and practices related to the equitable  
26 treatment of city employees.

27 (b) *The city position classification and pay plan.* The human resources manager shall be  
28 responsible for the preparation of a position classification and pay plan which shall be  
29 submitted to the city manager and then to the city council for approval. Such plan shall

1 apply to all employees of the city and any of its agencies, departments, boards,  
2 commissions, or authorities. When a pay plan has been adopted, the city council shall not  
3 increase or decrease the salary range applicable to any position except by amendment of  
4 such pay plan. The city manager shall apply the pay plan to city employees. For purposes  
5 of this section, all elected city officials are not city employees.

6 (c) *Employee rules and regulations.* The city manager shall present to the city council for  
7 approval rules and regulations consistent with this charter concerning:

8 (1) The method of employee selection and probationary periods of employment;

9 (2) The administration of a position classification and pay plan, methods of promotion  
10 and applications of service ratings thereto, and transfer of employees within the  
11 classification plan;

12 (3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and  
13 the order and manner in which layoffs shall be effected;

14 (4) Such dismissal hearings as due process may require; and

15 (5) Such other personnel notice as may be necessary to provide for adequate and  
16 systematic handling of personnel affairs.

#### 17 SECTION 3.18.

#### 18 Appointment of elected officials.

19 No person holding an elective office in the City of Norcross shall be eligible for  
20 appointment as a city employee during the term of office for which he or she was elected  
21 or within two years after the expiration of his or her term of office."

#### 22 SECTION 5.

23 Said Act is further amended by striking Section 6.26 in its entirety and inserting in lieu  
24 thereof a new Section 6.26 to read as follows:

#### 25 "SECTION 6.26.

#### 26 Submission of the operating budget to the city council.

27 On or before a date fixed by the city council, but not later than 60 days prior to the  
28 beginning of each fiscal year, the city manager shall prepare and submit to the city council  
29 a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied  
30 by a message from the city manager containing a statement of the general fiscal policies  
31 of the city, the important features of the budget, explanations of major changes  
32 recommended for the next fiscal year, a general summary of the budget, and such other

1 comments and information as he or she may deem pertinent. The operating budget, the  
2 capital improvements budget provided for in this chapter, the budget message, and all  
3 supporting documents shall be filed in the office of the city clerk and shall be open to  
4 public inspection."

#### 5 **SECTION 6.**

6 Said Act is further amended by striking subsection (a) of Section 6.29 in its entirety and  
7 inserting in lieu thereof a new subsection (a) to read as follows:

8 "(a) On or before a date fixed by the city council, but not later than 60 days prior to the  
9 beginning of each fiscal year, the city manager shall prepare and submit to the city council  
10 a proposed capital improvements budget with recommendations as to the means of  
11 financing the improvements proposed for the ensuing fiscal year. The city council shall  
12 have the power to accept, with or without amendments, or reject the proposed program and  
13 proposed means of financing. The city council shall not authorize an expenditure for the  
14 construction of any building, structure, work, or improvement, unless the appropriations  
15 for such project are included in the capital improvements budget, except to meet a public  
16 emergency as provided in Section 2.24 of this charter."

#### 17 **SECTION 7.**

18 All laws and parts of laws in conflict with this Act are repealed.